



PATENT
CASE NAME/NO.: SP00-118

1731

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: ALLEN MARTIN W, et al.

Serial No: 09/558,770

Art Group Unit: 1731

Filing Date: 4/26/2000

Examiner: John M. Hoffman

Title: AN OPTICAL FIBER AND A METHOD
FOR FABRICATING A LOW
POLARIZATION-MODE DISPERSION
AND LOW ATTENUATION OPTICAL
FIBER

RESPONSE

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT

In the Office Action dated February 26, 2003, designated as Paper No. 10 in the above-captioned application, the Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

- Group I. Claims 24 - 30 and 58-82, drawn to an optical fiber, classified in class 385, subclass 123;
- Group II. Claims 55 - 57, drawn to a glass preform, classified in class 428, subclass 428;
- Group III. Claims 1 - 23, drawn to a method of making a preform, classified in class 65, subclass 379;
- Group IV. Claims 31-54, drawn to a method of making a fiber, classified in class 65, subclass 435; and
- Group V. Claims 83-97, drawn to an OVD method of making a fiber preform, classified in class 65, subclass 421.

Applicants respectfully traverse the Examiner's Restriction Requirement on the grounds that the proposed inventions are not independent and distinct from one another, and that the proposed inventions are inextricably intertwined, and prosecution of the proposed groups of claims together would be most effective for the Office. In order to conduct a comprehensive search regarding any one of the groups, including the group provisionally elected above, it would be inherently necessary to review the same pertinent fields and classes of prior art relating to the other groups. Moreover, the important questions of patentability and claim interpretation are likely to be based on substantially similar issues and evaluations

for each group of claims, and would require consideration of the same prior art, and combined prosecution is therefore less likely to result in inconsistent or conflicting file histories.

As such, Applicant respectfully requests that the Examiner withdraw the Restriction Requirement in the next subsequent Office Action, and continue prosecution of Groups I-V, claims 1 - 97 together with one another. In the event that the Examiner fails to withdraw the Restriction Requirement, Applicants elect the Group III claims 1-23, with traverse, to be examined. Applicants also elect the following species from Group III for prosecution: A2 (claims 3 & 4), B2 (claims 12-17), D1 (claims 6-9), G1 (claims 13-17), and H3 (claims 1-23).

Applicants believe that no extension of time is necessary to make this Response timely. Should Applicants be in error, Applicants respectfully request the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Robert L. Carlson at 607-974-3502.

Respectfully submitted,

CORNING INCORPORATED



Robert L. Carlson
Registration No. 35,473
Corning Incorporated
Patent Department
Mail Stop SP-TI-03-1
Corning, NY 14831

Date: August 1, 2003

CERTIFICATE OF MAILING UNDER 37 C.F.R.

§ 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to Commissioner for Patents, Alexandria, VA 22313-1450 on August 1, 2003.


Robert L. Carlson, Signature